

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

- - - - - X
UNITED STATES OF AMERICA :

- v. - :

SEALED INDICTMENT

JOSE CARLOS PANIAGUA :

(S1) 14 Cr. __ ()

a/k/a "Carlos," :

a/k/a "Carlito," :

a/k/a "Cee-lo," :

14 CRIM 547

JOSE OSVALDO PANIAGUA JR., :

a/k/a "Osvaldo," :

a/k/a "Calvo," :

JOSE RAFAEL PANIAGUA, :

a/k/a "Rafaelito," :

JOSE OSVALDO PANIAGUA SR., :

a/k/a "Nano," :

a/k/a "Viejo," :

JOSE BORGES-REYES, :

a/k/a "Benny," :

a/k/a "Benny Blanco," :

a/k/a "Scar," :

JOAN TORRES, :

a/k/a "Ronco," and :

MICHAEL GONZALEZ, :

a/k/a "Franklin Almonte Bigay," :

a/k/a "Pucci," :

Defendants. :

- - - - - X
COUNT ONE

The Grand Jury charges:

1. From in or about 2008, up to and including in or about June 2014, in the Southern District of New York and elsewhere, JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a

"Osvaldo," a/k/a "Calvo," JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," JOSE OSVALDO PANIAGUA SR., a/k/a "Nano," a/k/a "Viejo," JOSE BORGEN-REYES, a/k/a "Benny," a/k/a "Benny Blanco," a/k/a "Scar," JOAN TORRES, a/k/a "Ronco," and MICHAEL GONZALEZ, a/k/a "Franklin Almonte Bigay," a/k/a "Pucci," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," JOSE OSVALDO PANIAGUA SR., a/k/a "Nano," a/k/a "Viejo," JOSE BORGEN-REYES, a/k/a "Benny," a/k/a "Benny Blanco," a/k/a "Scar," JOAN TORRES, a/k/a "Ronco," and MICHAEL GONZALEZ, a/k/a "Franklin Almonte Bigay," a/k/a "Pucci," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance that JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," JOSE OSVALDO PANIAGUA SR., a/k/a "Nano," a/k/a "Viejo," JOSE BORGEN-REYES, a/k/a "Benny,"

a/k/a "Benny Blanco," a/k/a "Scar," JOAN TORRES, a/k/a "Ronco," and MICHAEL GONZALEZ, a/k/a "Franklin Almonte Bigay," a/k/a "Pucci," the defendants, conspired to distribute and possess with intent to distribute was mixtures and substances containing a detectable amount of oxycodone, in violation of Title 21, United States Code, Section 841(b)(1)(C).

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. From at least in or about 2008, up to and including in or about June 2014, in the Southern District of New York and elsewhere, JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," JOSE OSVALDO PANIAGUA SR., a/k/a "Nano," a/k/a "Viejo," JOSE BORGES-REYES, a/k/a "Benny," a/k/a "Benny Blanco," a/k/a "Scar," JOAN TORRES, a/k/a "Ronco," and MICHAEL GONZALEZ, a/k/a "Franklin Almonte Bigay," a/k/a "Pucci," the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Sections 331(a), 331(t), 333(a)(2), 333(b)(1)(D), and 353(e)(2)(A) and (B) of Title 21, United States Code.

5. It was a part and an object of the conspiracy that JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," JOSE OSVALDO PANIAGUA SR., a/k/a "Nano," a/k/a "Viejo," JOSE BORGEN-REYES, a/k/a "Benny," a/k/a "Benny Blanco," a/k/a "Scar," JOAN TORRES, a/k/a "Ronco," and MICHAEL GONZALEZ, a/k/a "Franklin Almonte Bigay," a/k/a "Pucci," the defendants, and others known and unknown, willfully and knowingly, and with the intent to defraud and mislead, would and did introduce and deliver for introduction into interstate commerce a drug that was adulterated and misbranded, as those terms are defined in Title 21, United States Code, Sections 351(a) and 352(a), in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2).

6. It was further a part and an object of the conspiracy that JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," JOSE OSVALDO PANIAGUA SR., a/k/a "Nano," a/k/a "Viejo," JOSE BORGEN-REYES, a/k/a "Benny," a/k/a "Benny Blanco," a/k/a "Scar," JOAN TORRES, a/k/a "Ronco," and MICHAEL GONZALEZ, a/k/a "Franklin Almonte Bigay," a/k/a "Pucci," the defendants, and others known and unknown, willfully and knowingly would and did engage in the wholesale distribution in interstate commerce

of prescription drugs subject to Title 21, United States Code, Section 353(b) in a State, at a time when the defendants and their coconspirators were not licensed by that State, in accordance with the guidelines issued under Title 21, United States Code, Section 353(e)(2)(B), in violation of Title 21, United States Code, Sections 331(t), 333(b)(1)(D), and 353(e)(2)(A) and (B).

OVERT ACTS

7. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about March 24, 2011, MICHAEL GONZALEZ, a/k/a "Franklin Almonte Bigay," a/k/a "Pucci," the defendant, possessed several hundred prescription pills for redistribution.

b. On or about April 19, 2012, in the Southern District of New York, JOSE BORGES-REYES, a/k/a "Benny," a/k/a "Benny Blanco," a/k/a "Scar," the defendant, possessed and transported prescription medication without a license.

c. On or about December 17, 2012, in the Southern District of New York, JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," the defendant, purchased prescription medication from another person who was not a licensed distributor.

d. In or about March 2014, in the Southern District of New York, JOAN TORRES, a/k/a "Ronco," the defendant, possessed a list of prescription medications and their sale price.

e. In or about March 2014, in the Southern District of New York, JOSE OSVALDO PANIAGUA SR., a/k/a "Nano," a/k/a "Viejo," the defendant, possessed prescription medication for redistribution without a license.

f. In or about April 2014, in the Southern District of New York, JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," the defendant, possessed prescription medication for redistribution without a license.

g. In or about May 2014, in the Southern District of New York, JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," and JOSE RAFAEL PANIAGUA, the defendants, possessed and transported prescription medication without a license.

(Title 18, United States Code, Section 371)

FORFEITURE ALLEGATION

8. As a result of committing the controlled substance offense charged in Count One of this Indictment, JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," JOSE OSVALDO PANIAGUA

SR., a/k/a "Nano," a/k/a "Viejo," JOSE BORGEN-REYES, a/k/a "Benny," a/k/a "Benny Blanco," a/k/a "Scar," JOAN TORRES, a/k/a "Ronco," and MICHAEL GONZALEZ, a/k/a "Franklin Almonte Bigay," a/k/a "Pucci," the defendants, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the offense and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense charged in Count One of this Indictment.

Substitute Assets Provision

9. If any of the above-described forfeitable property, as a result of any act or omission of JOSE CARLOS PANIAGUA, a/k/a "Carlos," a/k/a "Carlito," a/k/a "Cee-lo," JOSE OSVALDO PANIAGUA JR., a/k/a "Osvaldo," a/k/a "Calvo," JOSE RAFAEL PANIAGUA, a/k/a "Rafaelito," JOSE OSVALDO PANIAGUA SR., a/k/a "Nano," a/k/a "Viejo," JOSE BORGEN-REYES, a/k/a "Benny," a/k/a "Benny Blanco," a/k/a "Scar," JOAN TORRES, a/k/a "Ronco," and MICHAEL GONZALEZ, a/k/a "Franklin Almonte Bigay," a/k/a "Pucci," the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;

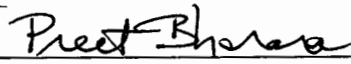
- c. has been placed beyond the jurisdiction of
the Court;
- d. has been substantially diminished in value;
or
- e. has been commingled with other property
which cannot be subdivided without
difficulty,

it is the intent of the United States, pursuant to 21 U.S.C.
§ 853(p), to seek forfeiture of any other property of the
defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)



FOREPERSON



PREET BHARARA
United States Attorney

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SEALED INDICTMENT

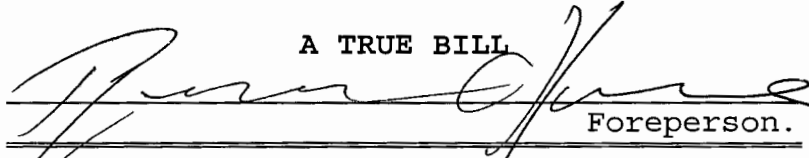
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(21 U.S.C. §§ 846, 853; 18 U.S.C. § 371)

PREET BHARARA

United States Attorney.

A TRUE BILL


Foreperson.

8/19/14 - Filed Sealed Superseding Indictment
AC AHW issued
Judge Gorenstein
USMJ